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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

Cung Le, Nathan Quarry, Jon Fitch, Brandon  
Vera, Luis Javier Vazquez, and Kyle Kingsbury,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting  
Championship and UFC,

Defendant.

Case No. 2:15-cv-01045-RFB-BNW

**PLAINTIFFS' MOTION IN LIMINE NO. 20  
TO EXCLUDE REFERENCE TO  
PURPORTED PAST RELATIONSHIPS  
BETWEEN PARTIES' COUNSEL AND  
EXPERT WITNESSES**

1 Plaintiffs Cung Le, Jon Fitch, Brandon Vera, Luis Javier Vazquez, and Kyle Kingsbury  
 2 (“Plaintiffs”) file this Motion in Limine to exclude reference to purported past relationships between  
 3 counsel for either Defendant Zuffa, LLC (“Defendant” or “Zuffa”) or Plaintiffs and the testimonial  
 4 expert witnesses under Federal Rules of Evidence 401 and 403.

5 The Court should exclude argument of or reference to purported past relationships between the  
 6 parties’ counsel and testifying expert witnesses because (1) the evidence is irrelevant to any issue the  
 7 jury will have to decide and (2) if permitted, will cause confusion, mislead the jury, and unduly  
 8 prejudice Plaintiffs while providing minimal, if any, probative value.

9 Evidence that “has any tendency to make a fact more or less probable than it would be without  
 10 the evidence” is considered relevant. Fed. R. Evid. 401. Even if a specific piece of evidence could  
 11 qualify as relevant under Federal Rule of Evidence 401, it will be excluded if “its probative value is  
 12 substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the  
 13 jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative  
 14 evidence.” Fed. R. Civ. P. 403. Evidence is unfairly prejudicial if it has an undue tendency to suggest a  
 15 decision by the jury on an improper basis. *Tennison v. Circus Circus Enters., Inc.*, 244 F.3d 684, 690  
 16 (9th Cir. 2001). The central purpose of a motion in limine is to “permit the pre-trial resolution of  
 17 evidentiary disputes without having to present potentially prejudicial evidence in front of a jury.” *HP*  
 18 *Tuners, LLC v. Cannata*, No. 318 CV 00527 LRHCSD, 2023 WL 1071782, at \*3 (D. Nev. Jan. 27,  
 19 2023). Motions in limine are entirely within the discretion of the court. *Diamond X Ranch LLC v. Atl.*  
 20 *Richfield Co.*, No. 313 CV 00570 MMDWGC, 2018 WL 2127734, at \*1 (D. Nev. May 8, 2018).

21 Any previous retention between Plaintiffs’ counsel and experts retained in this case is  
 22 irrelevant, as such information has no tendency to make any fact in dispute more or less probable.  
 23 allowing in such evidence, on the other hand, could mistakenly cause the jury to call into question the  
 24 validity of the testimonial expert witnesses by creating an inference of a biased witness. Admitting this  
 25 evidence could allow the jury to draw “perfectly logical—though mistaken—inferences.” *United States*  
 26 *v. Hitt*, 981 F.2d 422, 424 (9th Cir. 1992). Thus, it would likely “infec[t] the jury’s ability to make an  
 27 unbiased assessment” of relevant evidence. *United States v. Lawrence*, 189 F.3d 838, 843 (9th Cir.  
 28 1999).

1 Because any reference to past relationships between the parties' counsel and retained experts is  
2 wholly irrelevant to the merits of Plaintiffs' claims, and because such argument would be likely to  
3 distract the jury from assessing this lawsuit on the merits, it should be excluded under Rule 401 and  
4 Rule 403.

1 Dated: February 29, 2024

Respectfully submitted,

2 /s/ Joseph R. Saveri

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of February, 2024 a true and correct copy of PLAINTIFFS' MOTION IN LIMINE NO. 20 TO EXCLUDE REFERENCE TO PURPORTED PAST RELATIONSHIPS BETWEEN PARTIES' COUNSEL AND EXPERT WITNESSES was served via the District Court of Nevada's ECF system to all counsel of record who have enrolled in this ECF system.

/s/ Joseph R. Saveri

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